

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SKILLZ PLATFORM INC.,	:	24cv1646 (DLC)
	:	
Plaintiff,	:	<u>Order</u>
-v-	:	
	:	
PAPAYA GAMING, LTD., et al.,	:	
	:	
Defendants.	:	
	:	
-----	X	
	:	
PAPAYA GAMING, LTD., et al.,	:	
	:	
Counterclaim Plaintiffs,	:	
	:	
-v-	:	
	:	
SKILLZ PLATFORM INC.,	:	
	:	
Counterclaim Defendant.	:	
	:	
-----	X	
DENISE COTE, District Judge:		

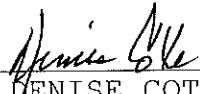
On May 19, 2025, the plaintiff submitted a letter requesting relief relating to materials recently produced in connection with the rebuttal report of the defendants' damages expert. The materials were not produced during fact discovery and were unavailable to the plaintiff's damages expert. The defendants submitted a letter in response on May 20. The defendants' letter noted that if the plaintiff were found to have been prejudiced by the plaintiff's failure to produce the materials earlier, the defendants would consent to the

plaintiff's damages expert supplementing his report with the newly produced materials by May 23.

The Court finds that the materials at issue should have been timely disclosed in connection with the defendants' initial disclosures and the plaintiff's requests for production. The plaintiff has been prejudiced by the late disclosure, and the defendants' proposal that the plaintiff's expert file a revised report on May 23 is an inadequate remedy. Accordingly, it is hereby

ORDERED that the parties shall meet and confer regarding an appropriate remedy and submit their proposals by **May 23, 2025**.

Dated: New York, New York  
May 22, 2025

  
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DENISE COTE  
United States District Judge